

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 4, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB2075 by Hinojosa (Relating to the consequences of successfully completing a term of deferred adjudication community supervision with respect to the expunction or use of certain criminal history records and files.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB2075, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>State Highway Fund</i> 6	Change in Number of State Employees from FY 2009
2010	(\$622,012)	11.0
2011	(\$582,691)	11.0
2012	(\$510,482)	11.0
2013	(\$606,333)	11.0
2014	(\$508,162)	11.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure as it relates to the expunction or use of certain criminal history records following the successful completion of deferred adjudication community supervision. The bill would expand the pool of persons eligible to receive an expunction to include persons who are placed on deferred adjudication community supervision under Section 5, Article 42.12 and who meet certain requirements. Section one of the bill outlines a timeline under which persons placed on community supervision for certain offenses may become eligible for an expunction after a discharge or dismissal.

The bill would amend the Occupations Code relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.

Methodology

The Department of Public Safety (DPS) estimates that 821,964 current records would be eligible for expunction under the provisions of the bill, as well as 52,610 new records that are disposed each year. This analysis assumes petitions for expunction of existing records would be submitted at a rate of 10 percent (82,196) over the five-year period, or approximately 16,439 per year. It is assumed that petitions for expunction of new records would be submitted at a rate of 10 percent per year (5,261), for a total of 21,700 additional expunction petitions to be received each year.

This analysis assumes that each full-time equivalent (FTE) processes 2,000 expunctions annually. This analysis also assumes that an additional 11 FTEs (Administrative Assistant II positions at salary group A11 at \$31,055 per year and career progression in 12 months to Administrative Assistants III salary group A13 at \$34,492 per year) would be needed to process the additional 21,700 expunction requests. It is also assumed that additional office space will be required to accommodate the additional personnel at an estimated lease cost of \$74,942 per year for fiscal years 2010 and 2011. Other operating expenses include maintenance and repair of office machines and computer equipment, computer supplies, non-capital computer equipment, and furniture.

Technology

The analysis includes estimated technology costs of computers, printers, and enterprise agreements totaling \$33,081 in fiscal year 2010 and \$1,639 in fiscal year 2011. The technology impact in fiscal year 2012 would be \$2,065, in fiscal year 2013 it would be \$27,350, and in fiscal year 2014 it would be \$1,661.

Local Government Impact

The fiscal impact to local governments could be significant and would vary depending on the number of petitions for expunction that meet the criteria established in the provisions of the bill. The district clerk's office in Tom Green County reported the bill would require one additional staff position at a cost of \$30,000 per year, with a gradual increase of \$2,000 annually. Other counties that are similar in population size to Tom Green County (104,000) would presumably incur the same type of administrative costs for their courts as well. For counties larger than Tom Green, any additional cost involved would be larger.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ESi, GG, MWU